

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, MARCH 17, 1997
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 2:16 p.m.

Mayor Golding announced the automobile accident involving Council Member Stevens. She said he suffered some injuries but appears to be doing well. Mayor Golding and the Council wished him a speedy recovery.

City Manager Jack McGrory announced that during the week of January 20, 1997, the City received a refund check in the amount of \$1,230,309 from the Metropolitan Wastewater Department Owner-controlled Insurance Program. He said the refund was due to reduced overtime, reduced paperwork, work being completed on time, a leveling of the construction peak, and the initial over-estimation of payroll. Mr. McGrory said Metro's low accident and loss rate has resulted in the City paying lower premiums and a significant cost savings to our sewer rate payers.

Mayor Golding adjourned the meeting at 6:55 p.m. into Closed Session on Tuesday, March 18, 1997, at 9:00 a.m. in the twelfth floor conference room to discuss existing and anticipated litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-excused by R-288513
(no reason given)
- (5) Council Member Warden-present

(6) Council Member Stallings-present
(7) Council Member McCarty-present
(8) Council Member Vargas-present
Clerk-Abdelnour (lw)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

(M) Mayor Golding-present
(1) Council Member Mathis-present
(2) Council Member Wear-present
(3) Council Member Kehoe-present
(4) Council Member Stevens-not present
(5) Council Member Warden-present
(6) Council Member Stallings-present
(7) Council Member McCarty-present
(8) Council Member Vargas-present

FILE LOCATION: NONE

ITEM-10: INVOCATION

Invocation was given by Pastor Tom Lagerway of the Trinity Fellowship Christian Reformed Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Kehoe.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Don Stillwell commented on oaths and interests and said the greatest enemy of the people is interest on debt. Mr. Stillwell said both the Federal Reserve and the IRS are unconstitutional. He also commented on the Convention Center and the bonds being issued with regard to the construction.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A072-102.)

ITEM-PC-2:

Sky wished Council Member Stevens a quick recovery from his accident and also thanked him and his staff for putting together a proposal to keep kids out of gangs. He also complimented the Mayor for her involvement with the Greater San Diego Games, an organization which helps teenagers and their families. Sky asked the Mayor to put together a summit of local youth experts and requested that he meet with a member of her staff.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A103-123.)

ITEM-PC-3:

Art Salzberg commented on homeless women. He said with some shelters due to close there will be a number of people back on the streets, one-third of them women and children. Mr. Salzberg read a poem in honor of homeless women and children.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A124-158.)

ITEM-PC-4:

Abdur-Rahim Hameed said his prayers go out to Council Member Stevens and his family. Mr. Hameed reported on the progress of the building industry. He said on the 27th of February, 1997, a historical event took place whereby several associations got together and drafted a resolution which he presented to Council. Mr. Hameed said that among all the issues, equal opportunity is one of the more

important issues we need to deal with. He offered this resolution as a way to move forward as one species.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A159-185.)

COUNCIL COMMENT:

ITEM-CC-1:

Mayor Golding wished Council Member Stevens a speedy recovery and said he is in our prayers.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A214-219.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

2/24/97 Adjourned

2/25/97

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A220-227.)

MOTION BY MATHIS TO APPROVE. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-31:

SUBJECT: Women's History Month.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-97-929) ADOPTED AS RESOLUTION R-288413

Proclaiming March 1997 to be "Women's History Month" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A228-276.)

MOTION BY MATHIS TO ADOPT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-32:

DOCKETED AT DEPUTY MAYOR WARDEN'S REQUEST:

Presentation by Mr. Andrew Palowitch of Energy Compression Research Corp. (ECR) of a "final ceremonial" check to the City Council and thanking them for the Emerging Technology Loan Program (EmTek).

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A277-389.)

MOTION BY MATHIS TO APPROVE. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-50:

SUBJECT: Black Mountain Ranch Second Amended and Restated Development Agreement. Case-95-0173.1.
NCFUA-Subarea I. (Dist. 1)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 2/25/97. (Council voted 6-1. Councilmember McCarty voted nay. Councilmembers Kehoe and Warden not present.)

(O-97-83) ADOPTED AS ORDINANCE O-18387 (New Series)

Adopting the Second Amended and Restated Development Agreement Between the City of San Diego, and Black Mountain Ranch Limited Partnership.

FILE LOCATION: DEVL - Black Mountain Ranch

COUNCIL ACTION: (Tape location: A390-468.)

CONSENT MOTION BY WARDEN TO DISPENSE WITH THE READING AND ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea (nay on golf course issue), Vargas-yea, Mayor Golding-yea (nay on golf course issue).

* ITEM-51:

SUBJECT: First Amendment to the Reimbursement Agreement with the Museum of Natural History.

(Balboa Park Community Area. District-3.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 2/25/97. (Council voted 7-0. Councilmembers Kehoe and Warden not present):

(O-97-85) ADOPTED AS ORDINANCE O-18388 (New Series)

Authorizing and approving a First Amendment to the Reimbursement Agreement with the San Diego Society of Natural History for reimbursement of renovation improvements to the Museum of Natural History in Balboa Park.

FILE LOCATION: MEET CONTFY97-1

COUNCIL ACTION: (Tape location: A390-468.)

CONSENT MOTION BY WARDEN TO DISPENSE WITH THE READING AND ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-52:

SUBJECT: Master Lease Program.

(See City Manager Report CMR-97-44.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-97-94) INTRODUCED, TO BE ADOPTED APRIL 7, 1997

Introduction of an Ordinance authorizing a Master Lease Agreement with Heller Public Finance to serve as a primary lease provider for leases with 3 and 4-year terms and as a back-up lease provider for leases with 5 and 7-year terms, for the purpose of financing the acquisition of equipment through lease-purchase;

Authorizing a Master Lease Agreement with Pitney Bowes Credit Corporation to serve as a primary lease provider for leases with 5 and 7-year terms and as a back-up lease provider for leases with a 3-year term for the purpose of financing the acquisition of equipment through lease-purchase;

Authorizing a Master Lease Agreement with Koch Financial Corporation to serve as a back-up lease provider for leases with a 4-year term for the purpose of financing the acquisition of equipment through lease-purchase.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A390-468.)

CONSENT MOTION BY WARDEN TO INTRODUCE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-53:

SUBJECT: Two actions related to Retirement Regulations.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance and adopt the resolution:

Subitem-A: (O-97-88) INTRODUCED, TO BE ADOPTED
MARCH 31, 1997

Introduction of an Ordinance amending Chapter II,
Article 4, of the San Diego Municipal Code, relating to
Retirement Regulations.

Subitem-B: (R-97-933) ADOPTED AS RESOLUTION R-288414

Adoption of a Resolution authorizing a second amendment
to the agreement with San Diego Unified Port District,
to provide retirement benefits to employees of the
district through participation in the San Diego City
Employees' Retirement System.

CITY MANAGER SUPPORTING INFORMATION:

On July 2, 1996, after meeting and conferring with the Police Officers Association, Fire Fighters Local 145, Municipal Employees Association, and AFSCME, Local 127, the City Council approved a proposal to implement a number of revisions to the City Employees' Retirement system subject to the satisfaction of various contingencies contained in the proposal, including reviews and approvals by CERS fiduciary counsel regarding the transfer of health insurance and the addition of the Deferred Retirement Option features (DROP). On November 5, 1996, the passage of Proposition D amended City Charter Section 141 allowing the transfer of retiree health insurance to CERS, and payment therefor from excess undistributed earnings of CERS. On February 6, 1997, a task force of the four labor organizations reached agreement with the City Management Team on the level of health benefit to be transferred to CERS, as well as the specific provisions to be included in the DROP Plan. On February 10, 1997, Ordinance No. O-97-75 was introduced. This Ordinance amends numerous provisions of Chapter II, Article 4 of the San Diego Municipal Code related to the following: Service retirement and disability retirement formulae, elimination of the disability, income offset, the establishment of a retiree health insurance benefit to be administered by CERS and paid for to the extent available from excess undistributed earnings, establishment of a \$600 annual benefit for pre-1980 retirees who are not eligible for retiree health insurance, elimination of the remarriage penalty and modification of the one-year marriage requirement to establish eligibility as a surviving spouse, and purchase of service. On February 18, 1997, Ordinance No. O-97-84 was introduced. This Ordinance adds a Division 14 to Chapter II, Article 4 of the San Diego Municipal Code establishing a Deferred

Retirement Option Plan. In order to move expeditiously toward completing the outstanding contingencies, these two Ordinances were introduced prior to CERS legal advisors, outside fiduciary counsel and tax counsel completing reviews of the ordinance language implementing these benefit changes. Consequently, it is recommended that a third ordinance be introduced to "clean up" and technically amend language to assure that the provisions meet with and satisfy all applicable state and federal requirements. This Ordinance does not introduce any changes to the agreement reached with the labor organizations.

FILE LOCATION: Subitem A: NONE
Subitem B: MEET CONFY97-1

COUNCIL ACTION: (Tape location: A390-468.)

CONSENT MOTION BY WARDEN TO INTRODUCE SUBITEM A, AND ADOPT SUBITEM B. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-100:

SUBJECT: Inviting Bids for Construction of the South Metro
Interceptor Rehabilitation Project, Phase III-A.

(Port District, Centre City and Barrio Logan Community
Areas. Districts-2 & 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-832) ADOPTED AS RESOLUTION R-288415

Inviting bids for the construction of the South Metro
Interceptor Rehabilitation Project, Phase III-A, on
Work Order No. 172751;

Authorizing a contract with the lowest responsible
bidder, provided that the City Auditor first furnishes
a certificate demonstrating that funds necessary for
expenditure are, or will be, on deposit in the City
Treasury;

Authorizing the expenditure of not to exceed
\$9,113,037, consisting of \$8,761,287 from Fund No.

41508, CIP-45-911.0, South Metro Rehabilitation, and not to exceed \$351,750 from Fund No. 41508, CIP-46-501.0, Annual Allocation - Metro Pooled Contingency, provided that the City Auditor first furnishes one or more certificates demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.
(BID-K97108)

CITY MANAGER SUPPORTING INFORMATION:

The primary purpose of this CIP project is to extend the useful life of a portion of the South Metro Interceptor, one of the Metro's largest interceptors, which currently transports close to 100 million gallons of wastewater per day to Pump Station No. 2. The project will restore the structural integrity of 12 manholes, thus permitting workers to enter the manholes safely for conducting inspections and lining repairs to the interceptor. This phase of the rehabilitation project will include the 108-inch diameter segment, approximately 6,318 feet in length, from Grape Street to Winship Lane along North Harbor Drive and the 78 - 84-inch segment between the intersections of Newton Avenue and 26th Street to Pacific Highway and Beech Street, approximately 15,800 feet in length. The project is not federally funded and therefore has no EPA "fair share" DBE requirements.

FILE LOCATION: W.O. 172751 CONT - JR Pipeline Co. Inc.
 CONTFY97-1

COUNCIL ACTION: (Tape location: A390-468.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-101:

SUBJECT: Street Dedication - University Avenue.

(City Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-868) ADOPTED AS RESOLUTION R-288416

Accepting a grant deed of Kam Leung Wai, Lan Fong Wai, and Marian Y. Siu, granting to the City an easement and right-of-way for public street purposes in a portion of Lot 25 of Fairmount Addition to City Heights, Map-1035; Dedication and naming the same University Avenue.

FILE LOCATION: DEED F-6946 DEEDFY97-1

COUNCIL ACTION: (Tape location: A390-468.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-102:

SUBJECT: Water Easement Abandonment Within Parcels 1 and 2, Parcel Map-17742.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-867) ADOPTED AS RESOLUTION R-288417

Vacating the general utility easement located within Parcels 1 and 2 of Parcel Map-17742, under Section 8330 et seq. of the California Streets and Highways Code.

CITY MANAGER SUPPORTING INFORMATION:

The proposed water easement abandonment has been requested by the applicant in order to unencumber the property. The water easement was initially recorded on May 4, 1928 as Book No. 1473, Page No. 395 and was a grant to the City of San Diego for water pipe lines. The easement was acquired at no cost to the City and has never been used for the purpose intended. Staff review of the easement abandonment has indicated that the easement is no longer required and that the four findings required for abandonment can be made. This water easement qualifies for summary proceedings and may be summarily vacated.

FILE LOCATION: DEED F-6947 DEEDFY97-1

COUNCIL ACTION: (Tape location: A390-468.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-103:

SUBJECT: Three actions related to Street Vacation, Pedestrian and Non-Motor Vehicles Right-of-Way Dedication - Tecolote Canyon Natural Park.

(Linda Vista Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-676) ADOPTED AS RESOLUTION R-288418

Summarily vacating a street reservation within Lot 1, Block 10 and Lot 9, Block 12 of Linda Vista Unit No. 6, Map-3155.

Subitem-B: (R-97-677) ADOPTED AS RESOLUTION R-288419

Authorizing the acceptance of an easement deed of Ernest C. Felix, granting to the City a pedestrian and non-motor vehicle right-of-way over a portion of Lot 9, Block 12, Linda Vista Unit No. 6.

Subitem-C: (R-97-678) ADOPTED AS RESOLUTION R-288420

Authorizing the acceptance of easement deeds of Ernest C. Felix, and Joe S. Hatley and Maria De La Luz Hatley, together with the subordination agreement from Countrywide Home Loans, Inc., and CTC Foreclosure Services Corporation, granting to the City an emergency access easement over portions of Lot 9, Block 12, Linda Vista Unit No. 6, according to Map-3135.

CITY MANAGER SUPPORTING INFORMATION:

The abutting property owners have requested the vacation of a

street reservation that encumbers their property. The future right-of-way was granted to the City as a street reservation when the properties were subdivided in 1954. The area proposed for vacation encumbers two residential lots located in the Linda Vista Community Plan area which are zoned R1-5000. The area of vacation totals 4,356 square feet and if vacated would relieve the existing encumbrance over approximately 2,300 square feet of the affected properties with the remaining area being retained for a pedestrian non-motor vehicle right-of-way and for an emergency access easement to accommodate access requirements to Tecolote Canyon Natural Park. The vacation proposal has been reviewed by both the Linda Vista Community Planning Group and the Tecolote Advisory Committee with both indicating no objections to the vacation as proposed. The area of vacation is unimproved and not required for public vehicular access to Tecolote Canyon Natural Park. A pedestrian non-motor vehicle right-of-way and an emergency access easement are being provided to accommodate access requirements to the park as identified in the Community Plan. There are no public or franchise facilities located within the area of vacation. Staff review has indicated that the required four findings of vacation can be made in accordance with Council Policy 600-15 and State Law and that the right-of-way may be summarily vacated.

FILE LOCATION: Subitem A: STRT J-2862
 Subitems B,C: DEED F-6948
 CONTFY97-1/DEEDFY97-4

COUNCIL ACTION: (Tape location: A390-468.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-104:

SUBJECT: Conflict of Interest Code for the Police Department.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-827 Corr.Copy) ADOPTED AS RESOLUTION R-288421

Adopting the Revised Conflict of Interest Code for the San Diego Police Department.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A390-468.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-105:

SUBJECT: Excusing Councilmember Kehoe from the Council Meetings of 2/10/97, 2/11/97, and 2/25/97; and the LU&H Committee Meetings of 2/12/97 and 2/26/97.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-97-899) ADOPTED AS RESOLUTION R-288422

Excusing Councilmember Kehoe from attending the following regularly scheduled meetings, due to travel on City business in Washington, D.C.:

1. Council meetings of February 10, 11 and 25, 1997; and
2. Land Use and Housing Committee meetings of February 12 and 26, 1997.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A390-468.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-106:

SUBJECT: Cecilia Estrada Day.

COUNCILMEMBER VARGAS'S RECOMMENDATION:

Adopt the following resolution:

(R-97-909) ADOPTED AS RESOLUTION R-288423

Commending Cecilia Estrada for her many years of
commitment and dedication;

Proclaiming Friday, March 7, 1997 to be "Cecilia
Estrada Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A390-468.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed
by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

* ITEM-107:

SUBJECT: Reprogramming Council District 6 CDBG Funds.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-895) ADOPTED AS RESOLUTION R-288424

Authorizing the cancellation of Fiscal Year 1997 CDBG
Tot Lot Projects in District 6, totaling \$429,685
(Dept. 4120, Orgs. 2006, 2007 and 2008);

Authorizing the following appropriation of funds (to
come from the canceled Tot Lot Projects):

Amount	To
\$141,000	South Clairemont Recreation Center ADA Project (4120/2021)
\$108,000	Mt. Acadia ADA Project (4120/2022)
\$ 30,000	Mt. Abernathy Utility Upgrade Project (4111/1130)
\$150,685	District 6 Unallocated Reserve (4127/2706)

CITY MANAGER SUPPORTING INFORMATION:

Recent eligibility changes in the CDBG rules and regulations related to the use of Federal funds for Tot Lot upgrades makes it necessary to reprogram a portion of the 1997 CDBG funds set aside by Council District 6. It is proposed that \$429,685 in ADA Tot Lot upgrades be canceled from the following projects:

- * \$210,000 (Cadmun and Serra Mesa Tot Lot Upgrades)
- * \$ 95,000 (Gershwin Park Tot Lot Upgrade)
- * \$124,000 (Lindbergh Park Tot Lot Upgrade)

It is further proposed that appropriations in a like amount be authorized for the following projects within District 6:

- + \$141,000 (South Clairemont Recreation Center - ADA Upgrades)
- + \$108,000 (Mt. Acadia Park - ADA Upgrade)
- + \$ 30,000 (Mt. Abernathy Utility Upgrade Project)
- + \$150,685 (District 6 Unallocated Reserve)

Aud. Cert. 9700825.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A390-468.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-108:

SUBJECT: State Revolving Fund Loan Program.

(See City Manager Report CMR-97-41.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-770) ADOPTED AS RESOLUTION R-288425

Authorizing the City Manager or his designated representative to conduct all negotiations, execute and submit all documents, and apply for and enter into all loan agreements required to fund wastewater capital

projects under the State Revolving Fund Loan Program
for funding of wastewater infrastructure.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A390-468.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed
by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

* ITEM-109:

SUBJECT: State Board of Equalization Taxpayer Information.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-908) ADOPTED AS RESOLUTION R-288426

Certifying to the State Board of Equalization that
Municipal Resource Consultants is a designated
representative of the City to examine all of the sales
and use tax records of the State Board of Equalization
(SBE) pertaining to sales and use taxes collected by
the SBE on behalf of the City;

Certifying that Municipal Resource Consultants (MRC), a
partnership of John T. Austin, Inc., and Allen W.
Charkow, Inc., meets all of the following conditions:

- a) MRC has an existing contract with the City to
provide sales tax auditing services; and
- b) MRC is required by that agreement to disclose
information contained in, or derived from, those sales
tax records only to an officer or employee of the city
who is authorized by resolution to examine the
information; and
- c) MRC is prohibited by the contract from performing
consulting services for a retailer during the term of
the contract; and
- d) MRC is prohibited by the contract from retaining
the information contained in, or derived from, those

sales tax records after the contract has expired.

CITY MANAGER SUPPORTING INFORMATION:

The City has an existing agreement with Municipal Resource Consultants (MRC) for sales tax audit and information services. MRC reviews confidential State Board of Equalization (SBE) taxpayer information when performing these services. The Council adopted a resolution authorizing MRC to review confidential SBE information on the City's behalf per the requirements of the State of California's Revenue and Taxation Code. The City Manager has negotiated a new agreement with MRC which incorporates the provisions of the existing sales tax audit contract and includes new revenue enhancement services. The City Manager is seeking the Council's continued authorization for MRC to review confidential SBE information on the City's behalf under the new agreement. The new revenue enhancement services include a business license information and management service; an audit program which targets documentary transfer taxes and property taxes (including Redevelopment Agency Tax increments); and a geo-based revenue information program which includes a computerized database of all City land parcels, major buildings and users as well as major sources of general revenue (e.g., business license tax, franchise fees, property tax, sales/use tax, state subventions and transient occupancy tax). MRC's compensation is self funding - the city is not obligated to pay MRC any compensation unless increased revenues are realized due to their services.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A390-468.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-110:

SUBJECT: Transfer of Funds - Inspiration Point Central Court Yard.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-896) ADOPTED AS RESOLUTION R-288427

Authorizing the City Auditor and Comptroller to transfer \$60,000 from the Navy Hospital Building Demolition Fund No. 60252, to CIP-21-828.0 - Naval Hospital Exchange Parcel - Landscaping and Related Work;

Authorizing the City Auditor and Comptroller to increase CIP-21-828.0, Navy Hospital Exchange Parcel - Landscaping and Related Work by \$73,909 to be transferred from CIP-21-834.0, Balboa Park/Mission Bay Park Requirements;

Authorizing the City Auditor and Comptroller to expend \$133,909 from CIP-21-828.0, Naval Hospital Exchange Parcel - Landscaping and Related Work, Naval Hospital Building Demolition Fund No. 60252 (\$60,000) and San Diego Facilities and Equipment Leasing Corporation Construction Fund No. 91106 (\$73,909) to supplement funding previously authorized by Resolution R-285746 on June 9, 1995.

CITY MANAGER SUPPORTING INFORMATION:

On June 9, 1995, the City Manager awarded a contract for the construction of the Inspiration Point Phase I Central Court Yard. Due to unanticipated underground obstructions, additional funding is necessary to cover additional construction and engineering costs.

Aud. Cert. 9700839.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A390-468.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-111:

SUBJECT: Settlement of the Personal Injury Claim of Manuel Taboada.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-877) ADOPTED AS RESOLUTION R-288428

A Resolution approved by the City Council in Closed Session on Tuesday, February 18, 1997 by the following vote:
Mathis-yea; Wear-yea; Kehoe-yea; Stevens-not present;
Warden-yea; Stallings-yea; McCarty-yea; Vargas-yea;
Mayor-yea.

Authorizing the City Manager to pay the total sum of \$150,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury incident that occurred on August 29, 1995, to Manuel Taboada (Superior Court Case No. 697817, Taboada v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$150,000, made payable to Manuel U. Taboada and his attorney of record, Doc Anthony Anderson, in full settlement of the lawsuit and all claims;

Authorizing the funds to be payable from Fund No. 81144, Public Liability Reserve Fund.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the Personal Injury Claim of Manuel U. Taboada against the City of San Diego, its agents and employees, as a result of an incident which occurred on August 29, 1995.

Aud. Cert. 9700785.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A390-468.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-112:

SUBJECT: Appointment of a Management Team for Purposes of

Meeting and Conferring with Employee Organizations.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-926 Cor. Copy) ADOPTED AS RESOLUTION R-288429

Appointing a Management Team for purposes of meeting and conferring with employees organizations;

Declaring that the Management Team shall consist of the following members:

Jack McGrory, City Manager
Bruce Herring, Deputy City Manager
Cathy Lexin, Labor Relations Manager
Agnes Generoso, Management Assistant
Stanley Griffith, Management Assistant
Theresa McAteer, Deputy City Attorney
Sharon A. Marshall, Deputy City Attorney

Appointing the Personnel Director and Retirement Administrator as members of the Management Team, pursuant to Council Policy 300-6, for all purposes except meeting and conferring with employee organizations.

CITY MANAGER SUPPORTING INFORMATION:

In accordance with the provisions of California Government Code 3500 et seq., commonly referred to as the Meyers-Miliias-Brown Act (MMBA), the City Council has adopted Council Policy 300-6 which provides the rules and regulations which govern employer-employee relations. Contained in MMBA and Council Policy 300-6 is the authority for the City Council to designate a Management Team as its representative to carry out the meet and confer process. It is recommended that resolution be adopted which establishes and identifies the Management Team for purposes of meeting and conferring with employee organizations in order to reach agreement on a Memorandum of Understanding (MOU) and/or successor agreements pursuant to Council Policy 300-6.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A390-468.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea,

Vargas-yea, Mayor Golding-yea.

* ITEM-113:

SUBJECT: First Amendment to the Agreement with Bayview Community Development Corporation.

(Southeast San Diego Community Area.
Districts-4 & 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-890) ADOPTED AS RESOLUTION R-288430

Authorizing a first amendment to the agreement with Bayview Community Development Corporation, so that Bayview may implement a Farmers Market program;

Authorizing the Auditor and Comptroller to transfer not to exceed \$75,000 of CDBG funds from CDBG Fund 18529, Dept. 4042, Org. 4210, to Fund 18532, Dept. 4116, Org. 1601;

Authorizing the expenditure of not to exceed \$75,000 to provide funding for the above project.

CITY MANAGER SUPPORTING INFORMATION:

Bayview Community Development Corporation (CDC) has a CDBG grant to develop strategies to enhance community and economic development in Southeast San Diego and to implement a first-time homebuyers program. Council District 4 desires to transfer CDBG funding to the Bayview CDC to also implement the delayed Farmers Market Project. Bayview CDC has amended the current agency contract and agreed to implement this additional project. CDBG funding was approved in May 1996.

Aud. Cert. 9700817.

FILE LOCATION: MEET CONFY97-1

COUNCIL ACTION: (Tape location: A390-468.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea,

Vargas-yea, Mayor Golding-yea.

* ITEM-114:

SUBJECT: Cooperative Agreement with CalTrans and SANDAG for
Widening Navajo Road.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-837) ADOPTED AS RESOLUTION R-288431

Authorizing the City Manager to request advance funding
for CIP-52-525.0, Navajo Road Widening East of Lake
Murray to Future State Route 125, through the debt
financing program in an amount not to exceed \$183,000;

Authorizing the City Manager to execute any necessary
documents relating to receipt of the funds from SANDAG;

Authorizing a Cooperative Agreement with CalTrans and
SANDAG, for the widening of Navajo Road from 200 feet
west of Jaffe Court to the westerly off-ramps of future
State Route 125;

Authorizing the expenditure of not to exceed \$183,000
from CIP-52-525.0, Navajo Road Widening East of Lake
Murray to future State Route 125, Fund 30302, for
providing funds for the design, engineering, and
construction of the Navajo Road improvements.

CITY MANAGER SUPPORTING INFORMATION:

This project provides for widening Navajo Road from approximately
200 feet west of Jaffe Court to future State Route 125. The
existing roadway will be widened to six lanes in accordance with
the Navajo Community Plan, and is needed to accommodate
anticipated on and off-ramp traffic from State Route 125. SANDAG
will provide the preliminary engineering and design of the Navajo
Road project. CalTrans will construct the project in conjunction
with the construction of State Route 125. Construction of State
Route 125 is scheduled to begin in 1997. This Cooperative
Agreement will distribute funds from CIP-52-525.0, Navajo Road
Widening East of Lake Murray to Future State Route 125, to SANDAG

and CalTrans for design, engineering, and construction of the Navajo Road widening. An amount not to exceed \$26,000 will be expended to reimburse SANDAG for preliminary engineering, and an amount not to exceed \$157,000 will be expended to reimburse CalTrans for construction.

Aud. Cert. 9700727.

FILE LOCATION: MEET CONFY97-2

COUNCIL ACTION: (Tape location: A390-468.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-115:

SUBJECT: Third Amendment to the Agreement with Parsons Engineering Science, Inc. for Pump Station No. 65 Expansion and Force Main.

(Torrey Pines Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-884) ADOPTED AS RESOLUTION R-288432

Authorizing an amendment to the agreement with Parsons Engineering Science, Inc., for additional design and construction services in connection with Pump Station No. 65 Expansion and Force Main, in an amount not to exceed \$349,986;

Authorizing the Auditor and Comptroller to transfer not to exceed \$200,000 from Fund No. 41509, Program Element 777210, Sewer Revenue Funds - Unallocated Reserve, to Fund No. 41506, CIP-46-117.0, Pump Station No. 65 Expansion and Force Main;

Authorizing the expenditure of not to exceed \$200,000 from Fund No. 41506, CIP-46-117.0, Pump Station No. 65 Expansion and Force Main, to provide additional contingency and related costs for this project, provided that the City Auditor first furnishes one or

more certificates demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of not to exceed \$349,986, consisting of \$309,144 from Fund No. 41506, CIP-46-117.0, Pump Station No. 65 Expansion and Force Main, \$20,421 from Fund No. 41506, CIP-46-122.0, Carmel Valley Trunk Sewer Replacement, and \$20,421 from Fund No. 41500, CIP-70-910.1, Sorrento Valley Road Pipeline Relocation.

CITY MANAGER SUPPORTING INFORMATION:

Additional contingency and related costs in the amount of \$200,000 for the Pump Station No. 65 Expansion and Force Main Project are necessary for changes in the project scope including: removal of unsuitable soils and replacement with import soils along the 54" sewer pipe into the pump station, slurry sealing of Roselle Street and Sorrento Valley Roads for the force main alignment, pump station telephone system modifications, odor control ducting modifications for the 54" sewer, North County Transit District railway flagmen required by the railway permit, and sample ports for Air Pollution Control District monitoring of odor discharge. These changes are being negotiated with Mingus Constructors, Inc. Amendment No. 3 to the Parsons Engineering Science design contract is negotiated at \$349,986 for additional design and construction services during construction of the Pump Station No. 65 Expansion and Force Main Project. A previous Resolution No. R-287879 allowed for negotiations up to \$325,000; however, an increase of \$24,986 is required for additional design services due to delays in construction of the pump station resulting in a renegotiated Amendment No. 3 value of \$349,986.

Aud. Cert. 9700762.

FILE LOCATION: MEET CCONFY97-1

COUNCIL ACTION: (Tape location: A390-468.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-116:

SUBJECT: Fourth Amendment to Agreement with Pekarek Group

regarding Inspiration Point Precise Plan.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-842) ADOPTED AS RESOLUTION R-288433

Authorizing a fourth amendment to agreement with the Pekarek Group for professional services required for Inspiration Point Precise Plan;

Authorizing the City Auditor and Comptroller to transfer \$25,000 from the Navy Hospital Building Demolition Fund, Fund No. 60252, to CIP-21-856.0, Inspiration Point Precise Plan;

Authorizing the City Auditor and Comptroller to expend \$25,000 from CIP-21-856.0, Inspiration Point Precise Plan, Navy Hospital Building Demolition Fund, Fund No. 60252.

CITY MANAGER SUPPORTING INFORMATION:

On May 14, 1990, the City entered into an agreement with the Pekarek Group for professional services needed to prepare a Precise Plan for the thirty-six acre Naval Hospital Exchange Parcel (Inspiration Point). Two subsequent Council-approved amendments provided services for the preparation of construction documents for the rehabilitation of the existing courtyards and for the preparation of an Environmental Impact Report for the Precise Plan. On May 9, 1994, the City Council approved the location of the proposed Balboa Park Activity Center at Inspiration Point (Resolution R-283846). The addition of the Activity Center requires significant changes in the Precise Plan and the Environmental Impact Report. The Fourth Amendment to Agreement will provide for the professional services associated with the addition of the Activity Center to the Inspiration Point site and costs related to printing and approval of the various documents.

Aud. Cert. 9700750.

FILE LOCATION: MEET CCONFY97-1

COUNCIL ACTION: (Tape location: A390-468.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed

by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-117:

SUBJECT: City of San Diego Ultra-Low Flush Toilet Rebate Program.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-921) CONTINUED TO MARCH 31, 1997

Directing the City Manager to continue the Ultra-Low Flush Toilet Rebate Program, as implemented by Council in its Urban Water Management and Conservation Plan adopted on December 11, 1990;

Authorizing the City Manager to execute an amendment to the Memorandum of Understanding of April 22, 1996 with the San Diego County Water Authority, to receive \$2,305,000 from the County Water Authority and the Metropolitan Water District of Southern California, to be used to pay for more than one-half of program costs for approximately 36,722 ultra-low flush toilet rebates;

Authorizing a fourth amendment to the agreement with Volt Viewtech, Inc., for consultant services in connection with the day-to-day operation of the rebate program in an amount not to exceed \$2,305,000;

Authorizing the Auditor and Comptroller to increase the annual appropriation in Water Operating Fund No. 41500, Program 70622, by the amount of \$2,305,000 for the City's Ultra-Low Flush Toilet Rebate Program, in accordance with the 1997 Annual Appropriation Ordinance;

Authorizing the expenditure of not to exceed \$3,305,000 from Water Operating Fund No. 41500, Water Conservation Program, Object Account 9544, for the purpose of operating the Ultra-Low Flush Toilet Rebate Program in Fiscal Year 1997-98.

CITY MANAGER SUPPORTING INFORMATION:

This action requests the continuation of the City of San Diego's Ultra-Low Flush Toilet Rebate Program (Rebate Program) for Fiscal Year 1997 by amending the Memorandum of Understanding of April 22, 1996, with the San Diego County Water Authority (CWA) to provide additional funds from the CWA for approximately 36,722 ultra-low flush toilet (ulft's) rebates. This action also authorizes the City Manager to amend an agreement with the consulting firm of Volt Viewtech, Inc., for services associated with the day-to-day operation of the Rebate Program including processing rebates. This popular water conservation program provides City water customers with a rebate of up to \$75 for each installed ulft. Between May of 1991 and December of 1996, more than 130,000 rebates were issued to City water customers. Forty percent of the program's total funding has come from the MWD, 47 percent from the City and 13 percent from the CWA. In FY 97, co-funding is available from the CWA and MWD for approximately 70 percent of total Rebate Program costs. This action will allow the City to use the available co-funding to increase the number of rebates available to City residents from 10,000 to 36,722. The estimated water savings for the 36,722 ulft's is more than 1.3 million gallons per day, or 1,500 acre-feet-per year. The City's cost to implement this program is \$33 per acre-foot saved, compared to the \$426 per-acre foot the City currently pays for raw water.

Aud. Cert. 9700860.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A390-468.)

CONSENT MOTION BY WARDEN TO CONTINUE TO MARCH 31, 1997, DUE TO THE WAY THE ITEM WAS HANDLED AND TO GIVE STAFF A CHANCE TO ANSWER QUESTIONS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-118:

SUBJECT: Lease Agreement with Edward F. and Joanne Couvrette for Office Space at 527 10th Avenue.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-335) ADOPTED AS RESOLUTION R-288434

Authorizing the execution of a 5-year lease agreement from February 15, 1997 to February 14, 2002, with Edward F. and Joanne Couvrette, for approximately 5,300 square feet of office space at 527 10th Avenue, in an amount not to exceed \$135,065;

Authorizing the expenditure of not to exceed \$2,400 from Fund No. 70209, Centre City Maintenance Coordination, \$3,500 from Fund No. 70212, Downtown Maintenance District, \$2,500 from Fund No. 70213, Gaslamp Quarter Landscape Maintenance District, and \$1,100 from the Park & Recreation Metro Department 443, General Fund No. 100, Job Order No. 025021 through Fiscal Year 1997; thereafter, the full amount from the Park and Recreation Metro Department 443, General Fund No. 100, Job Order No. 025021.

CITY MANAGER SUPPORTING INFORMATION:

The Park and Recreation Department has maintained office/warehouse space within the Gaslamp Building, at 744 Sixth Avenue, for its Downtown Street Tree Program and maintenance operations since 1987. The Gaslamp Building has been sold. Consequently, the new owner has exercised its right to terminate the lease February 24, 1997. The current space is approximately 1,200 square feet at a rental rate of \$.83 per square foot per month. The Park and Recreation Department desires to relocate its facility to 527 10th Avenue downtown San Diego. This free standing two-story office/warehouse space is approximately 5,300 square feet. The rental rate is \$.40 per square foot, which is below market rate for comparable downtown space. Utilities are in addition to the base rent. The lease term is five years with one five-year renewal option.

Aud. Cert. 9700838.

FILE LOCATION: LEAS - Edward F. and Joanne Couvrette
LEASFY97-1

COUNCIL ACTION: (Tape location: A390-468.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-119:

SUBJECT: Electing Daniel L. Guevara to the Centre City
Development Corporation Board of Directors.

(See memorandum from Mayor Golding dated 2/28/97 with
resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-97-925) ADOPTED AS RESOLUTION R-288435

Electing Daniel L. Guevara to the Centre City
Development Corporation Board of Directors, to fill the
unexpired term of Edward Lopez, ending May 1, 1999.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A390-468.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed
by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

ITEM-150:

SUBJECT: Approval of Emergency Medical Services and Medical
Transportation Services Provider.

(See City Manager Reports CMR-97-33 and CMR-97-31;
memorandums from Richard E. Wilken, dated 2/26/97,
2/25/97, 2/19/97; Revised Procurement Schedule dated
12/4/96; AMR Executive Summary.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-97-924) ADOPTED AS RESOLUTION R-288436

Approving the proposal of the Fire and Life Safety
Services/Rural Metro as the provider for the Joint
Procurement of the City's Emergency Medical Services
and the Medical Transportation Services of the

participating Managed Care Organizations.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:

On 3/5/97, PS&NS voted 4-1 to accept the proposal of the Fire and Life Safety Services/Rural Metro as the provider for the Joint Procurement of the City's Emergency Medical Services and the Medical Transportation Services of the participating Managed Care Organizations. (Councilmembers Wear, Stevens, Stallings and McCarty voted yea. Councilmember Warden voted nay.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A469-E003.)

MOTION BY VARGAS TO ADOPT THE PUBLIC SAFETY & NEIGHBORHOOD SERVICES' RECOMMENDATION TO ACCEPT THE PROPOSAL OF THE FIRE AND LIFE SAFETY SERVICES/RURAL METRO AS A PROVIDER FOR THE JOINT PROCUREMENT OF THE CITY'S EMERGENCY MEDICAL SERVICES AND THE MEDICAL TRANSPORTATION SERVICES OF THE PARTICIPATING MANAGED CARE ORGANIZATIONS; AND DIRECT THE MANAGER TO NEGOTIATE A CONTRACT WITH THE FIRE AND LIFE SAFETY SERVICES/RURAL METRO AND TO LOOK AT COST CONSISTENT WITH THE RFP, AND TO COME BACK TO COUNCIL ON APRIL 14, 1997. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-nay.

ITEM-200:

SUBJECT: Three actions related to San Diego Jack Murphy Stadium Expansion.

(Mission Valley Community Area. District-6.)

NOTE: This hearing for the second reading of the ordinances was noticed in the Daily Transcript on 3/7/97, pursuant to Section 99 of the City Charter.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances in Subitems A and B which were introduced on 3/4/97; adopt the resolution in Subitem C:

Subitem-A: (O-97-92) TRAILED TO MARCH 18, 1997

Authorizing the agreement conveying naming rights to San Diego Jack Murphy Stadium between QUALCOMM, Inc. and the City of San Diego.

(Council voted 8-0. Councilmember McCarty ineligible.)

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

Subitem-B: (O-97-93) TRAILED TO MARCH 18, 1997

Authorizing a First Supplemental to the 1995 Agreement for Partial use and Occupancy of San Diego Jack Murphy Stadium between the Chargers Football Company and the City of San Diego.

(Council voted 9-0.)

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

Subitem-C: (R-97-930) TRAILED TO MARCH 18, 1997

Renaming the San Diego Jack Murphy Stadium to "QUALCOMM Stadium," upon receipt by the City of the consideration by QUALCOMM called for in the agreement; declaring that this name change shall be effective only through and including the year 2017 Regular Football Season (as that term is defined in the 1995 Agreement for Partial Use and Occupancy of San Diego Jack Murphy Stadium, and the Super Bowl to be held in January of 2017, unless extended or otherwise modified by the City Council; declaring that the area surrounding QUALCOMM Stadium shall be named "Jack Murphy Field," to continue to commemorate the former sports editor of the San Diego Union as described in Resolution No. R-253397.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A030-034.)

CONSENT MOTION BY WARDEN TO ACCEPT MAYOR GOLDING'S RECOMMENDATION TO TRAIL THIS ITEM TO MARCH 18, 1997, DUE TO THE CONTRACTS NOT BEING READY. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201:

SUBJECT: Torrey Hills Project.

Amendment to the Sorrento Hills Community Plan, Sorrento Hills Public Facilities Financing Plan, the Progress Guide and General Plan, the North City Local Coastal Program and Rezone, Street and Easement Vacations, Vesting Tentative Map, Planned Industrial Development, Planned Residential Development, Hillside Review, and Coastal Development Permit in the Sorrento Hills Community Plan Area.

(CPA/PFFP/LCP/VTM/PID/PRD/HR/CDP/RZ/SA-95-0554.
District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitems A, E, and F; adopt Subitems C and D to grant the map and the permits; and introduce the ordinance in Subitem B:

Subitem-A: (R-97-821) ADOPTED AS RESOLUTION R-288437

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-95-0554 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and Statement of Overriding Considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-97-80) INTRODUCED AS AMENDED, TO BE
ADOPTED MARCH 31, 1997

Introduction of an Ordinance rezoning 491.4 acres in Sorrento Hills Community Planning area.

Subitem-C: (R-97-1050) GRANT THE MAP, ADOPTED AS AMENDED
AS RESOLUTION R-288438

Adoption of a Resolution granting or denying the map, with appropriate findings to support Council action.

Subitem-D: (R-97-1051) GRANT THE PERMITS, ADOPTED AS
AMENDED AS RESOLUTION R-288439

Adoption of a Resolution granting or denying the permits, with appropriate findings to support Council action.

Subitem-E: (R-97-822) ADOPTED AS RESOLUTION R-288440

Adoption of a Resolution authorizing the vacation of Sorrento Hills Boulevard, Invention Drive, Rockfern Court, Requia Court, Parosela Court, Yerba Mansa Court, Fox Canyon Place, Farallow Place, excess portions of Carmel Mountain Road, Sandcrest Drive, Coastal Ridge Drive, and Coastal Hills Way, together with the public service, general utility and access easements (Danrelle Way, a private street) within Lot K of Torrey Reserve Heights, Unit No. 1, Map-13358 in connection with Torrey Hills as provided for under Section 66499.20-1/2 of the State Map Act.

Subitem-F: (R-97-823) ADOPTED AS RESOLUTION R-288441

Adoption of a Resolution adopting the Draft Sorrento Hills Community Plan and Draft Public Facilities Financing Plan.

SUPPORTING INFORMATION:

The project proposes to develop approximately 491.4 acres within the Sorrento Hills Community Plan area with 1766 residential units, industrial, commercial and office uses, a 14 acre park site, and a 10 acre elementary school site. The property, zoned M-1A, M-1B, M-IP, and R-1500, would be rezoned to M-1A, M-IP, R-3000, R-1500, and R1-5000.

LEGAL DESCRIPTION:

The subject property is more particularly described as east of I-5, south of SR-56 and north of Los Penasquitos Canyon Preserve.

CITY MANAGER SUPPORTING INFORMATION:

On February 27, 1997, the Planning Commission voted unanimously to recommend to City Council support of the Manager's recommendation of the proposed project, subject to the conditions of approval as described in the draft Vesting Tentative Map Resolution and Draft Permit 95-0554 with the following modifications and additions:

1. Draft permit condition number nine shall be revised to require buildings to be setback a minimum of 150 feet from the existing SDG&E substation property line.

2. An informational statement be added to all property deeds of lots created by the recordation of Parcel Maps and Final Maps notifying all future property owners of the presence and continued operation of the SDG&E substation and that SDG&E may, at some future date, seek to expand their current operation within their property.
3. Revision to the Design Guidelines and Development Standards, Section 111.E.5, page 111-41, Gated Project Entries, state that each residential enclave may potentially be built as a limited access, gate guarded neighborhood, subject to approval of the City Council. Language referring to approval be "based on adopted City policies" was deleted.
4. Items 3, 4 and 5 contained in the letter from SDG&E, dated February 6, 1997, be added as permit conditions. (See backup material for this information)
5. Notes be added to the Design Guidelines and Development, Figures 111-7 through 111-11 and 111-14 through 111-16, that all conceptual units shown in these figures are for the purpose of establishing conformance with City Council Policy 600-38 and all future building plans shall comply with the Architectural Guidelines regarding building form, articulation, massing and other features of Section 111.E, of the Design Guidelines and Development Standards.

A correction is required to Planning Report No. P-97-015 on page 4. The proposed project would result in a reduction of industrial land from 164 acres to 77 acres, not 41 acres as indicated in the written text.

FILE LOCATION: Subitem A: LAND - Sorrento Hills
 Community Plan
 Subitem B: NONE
 Subitem C: SUBD - Torrey Hills
 Subitem D: PERM - PID/PRD/HR 95-0554
 Subitem E: STRT J-2861
 Subitem F: LAND - Sorrento Hills
 Community Plan DEEDFY97-1

COUNCIL ACTION: (Tape location: E004-405.)

Hearing began at 5:08 p.m. and halted at 5:39 p.m.

Testimony in opposition by William Ireland, Mark Nelson, and Don Rose.

Testimony in favor by Bill Meyer and Anne Harvey.

MOTION BY MATHIS TO ADOPT AS AMENDED THE MANAGER'S RECOMMENDATION TO INCLUDE THE MODIFICATIONS STATED IN THE ENCLOSURE OF THE AMERICAN GENERAL LAND DEVELOPMENT, INC., LETTER, DATED MARCH 14, 1997, WHICH RESPONDS TO THE PLANNING COMMISSION, BUT ALSO RELATES TO THE ISSUE OF THE GATED COMMUNITIES;

STATE FOR THE RECORD THE ADOPTION OF THE RESOLUTION CERTIFYING THAT THE INFORMATION CONTAINED IN THE ENVIRONMENTAL IMPACT REPORT DEP-95-0554 HAS BEEN COMPLETED IN COMPLIANCE WITH CEQA AND STATE GUIDELINES AND THAT THE REPORT HAS BEEN REVIEWED AND CONSIDERED BY THE COUNCIL AND ADOPTING APPROPRIATE FINDINGS OF MITIGATION, FEASIBILITY AND PROJECT ALTERNATIVES AND STATEMENT OF OVERRIDING CONSIDERATIONS PURSUANT TO CALIFORNIA PUBLIC RESOURCES CODE SECTION 21081;

INTRODUCE THE ORDINANCE AND ADOPT SUBITEMS C AND D WITH MODIFICATIONS OUTLINED IN THE AMERICAN GENERAL LAND DEVELOPMENT, INC., LETTER, DATED MARCH 14, 1997, AND INCLUDE MAYOR GOLDING'S RECOMMENDATION TO ADD IN THE DISCLOSURE DOCUMENTS OF THE POTENTIAL FOR EXPANSION OF THE SDG&E SUBSTATION AND THE CORRIDOR;

AND ADOPT SUBITEMS E AND F. Second by McCarty. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-202:

SUBJECT: Three actions related to the Construction of Sewer and Water Group 55.

(Uptown, Greater North Park and Mid-City Community Areas. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-97-852) ADOPTED AS RESOLUTION R-288442

Inviting bids for the Construction of Sewer and Water Group 55 on Work Order No. 180101;

Authorizing a contract with the lowest responsible bidder, provided that the City Auditor first furnishes

a certificate demonstrating that the funds necessary for the expenditure are, or will be on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer \$54,400 from Sewer Fund No. 41506 and \$17,000 from Water Fund No. 41500 to a Special Curb Ramp Fund No. 10518, for the installation of curb ramps; and authorizing the expenditure of not to exceed \$1,381,394 from Sewer Revenue Fund 41506, CIP-44-001; and authorizing the expenditure of not to exceed \$478,712 from the Water Revenue Fund 41500, CIP-73-083, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be on deposit in the City Treasury;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K97071C)

Subitem-B: (R-97-853) ADOPTED AS RESOLUTION R-288443

Authorizing the use of City Forces to isolate and make connections and perform operational checks; declaring that the cost of the work shall not exceed \$135,670.

Subitem-C: (R-97-854) ADOPTED AS RESOLUTION R-288444

Certifying that the information contained in Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, DEP-93-0431, dated 3/21/94, has been completed in compliance with the California Environmental Quality Act of 1970, and State guidelines, and that the Declaration reflects the independent judgement of the City of San Diego as Lead Agency, and that the Declaration has been [Breviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION:

Sewer and Water Main Replacement Group 55 is a portion of the continued Annual Capital Improvement Program allocation to replace undersized, and deteriorated water and sewer mains. The mains being replaced were originally constructed in the 1920s and have reached their useful life. Replacement of these water and sewer mains will provide the community with a safe and reliable water and sewer infrastructure well into the next century. This project will construct approximately 9,460 feet of new sewer main

and 1,990 feet of new water main in the Uptown, Greater North Park and Mid-City areas. In addition, approximately 1,527 feet of concrete sewer main will be rehabilitated in areas where open trench replacement is not possible.

The following streets will be affected by construction operations: 1) Uptown Community area; Richmond Street, Myrtle Avenue, Myrtle Way, Upas Street, Herbert Street, Albert Street; 2) Greater North Park Community area; Myrtle Avenue, Upas Street; 3) Mid-City Community area; Cherokee Street and Bellingham Street. In addition, several alleys which adjoin the above-mentioned streets will also be impacted by construction. Residents will be notified by mail at least one month before construction by the Water Department, Water Distribution Division and ten days before construction by the contractor. Per the Americans with Disabilities Act, P.L. 101-336, public improvement projects must replace or install curb ramps when altering the public right-of-way. This contract includes \$71,400 for the construction of 51 curb ramps.

WWF-97-269.

FILE LOCATION: W.O. 180101 CONT - Artukovich Construction Co. CONFY97-1

COUNCIL ACTION: (Tape location: A390-468.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-203:

SUBJECT: Inviting Bids for the Sorrento Valley/Carroll Canyon Subsystem - Reclaimed Water Distribution System.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-97-501) ADOPTED AS RESOLUTION R-288445

Inviting bids for the construction of the Sorrento Valley/Carroll Canyon Subsystem - Reclaimed Water Distribution System on Work Order No. 195931;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$525,000 within Fund 41500 from CIP-70-918.0, Scripps Ranch Boulevard/Interstate 15 Subsystem, to CIP-70-934.0, Sorrento Valley/Carroll Canyon Subsystem;

Authorizing the expenditure of an amount not to exceed \$3,850,000 from Water Fund 41500, CIP-70-934.0, Sorrento Valley/Carroll Canyon Subsystem, to provide funds for this project, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds for the expenditure are, or will be on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department;

Authorizing the City Manager to establish a phase funded contract with the lowest responsible bidder on this project, based on the actual low bid submitted;

Authorizing a contract with the lowest responsible bidder, provided that the City Auditor and Comptroller, first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be on deposit in the City Treasury. (BID-K97106)

CITY MANAGER SUPPORTING INFORMATION:

The Northern Reclaimed Water Distribution System will convey reclaimed water produced at the Northern City Water Reclamation Plant (NCWRP) to approximately 300 customers. The distribution system has been divided into nine construction packages in order to maximize the participation of the local contractors. The Sorrento Valley/Carroll Canyon Subsystem is one of the nine packages. The main transmission pipeline is approximately 11,900 feet long. An 18-inch pipeline will commence at the terminus of the Miramar Road Subsystem Package II at the intersection of Miramar Road and Production Avenue. The main line (starts with 18" then tapers to 10" diameter) will proceed north on Production Avenue to Carroll Road, then continue westerly on Carroll road, ending approximately 2,000 feet west of Pacific Heights Boulevard on Carroll Canyon Road. Smaller distribution pipelines are also included and consist of approximately 29,300 feet.

The project is included in the Interim Order issued by the U.S. Federal Court. The Environmental Impact Report and the adoption of the Mitigation Monitoring Program was approved by the City

Council Resolution R-286603. At this time only approval of the plans and specifications, authorizing advertisement and award for construction of Sorrento Valley/Carroll Canyon Subsystem is requested.

Aud. Cert. 9700624.

FILE LOCATION: W.O. 195931 CONT - Schlumberger Industries,
Inc. CONFY97-1

COUNCIL ACTION: (Tape location: A390-468.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-204:

SUBJECT: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(See City Manager's Update for the Docket of 3/17/97. San Ysidro and Tijuana River Valley Community Areas. District-8.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-97-906) ADOPTED AS RESOLUTION R-288446

Declaring a continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L - State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Tape location: A390-468.)

CONSENT MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-205:

SUBJECT: Six actions related to the Convention Center Expansion Project.

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A, B, C, D, and E and hold the first public hearing of the ordinance in Subitem F:

Subitem-A: (R-97-834) ADOPTED AS RESOLUTION R-288447

Authorizing the City Manager to negotiate and execute an agreement with Orrick, Herrington & Sutcliffe, for an amount not to exceed \$300,000 for bond counsel, disclosure counsel and other services related to the Convention Center Expansion Financing Authority Lease Revenue Bonds, Series 1997A, provided that the City Auditor and Comptroller furnishes a certificate demonstrating that the funds necessary are, or will be, on deposit in the City Treasury.

Subitem-B: (R-97-915) ADOPTED AS RESOLUTION R-288452

Authorizing the City Manager to enter into a final agreement with Law/Crandall & Associates, Inc., special inspection consultant, in an amount not to exceed \$1,350,000, provided that the City Auditor furnishes a certificate demonstrating that the funds necessary are, or will be, on deposit in the City Treasury.

Subitem-C: (R-97-917) ADOPTED AS RESOLUTION R-288453

Authorizing the City Manager to enter into a Phase VII Interim Agreement with Golden-Turner, to permit Golden Turner to make final preparations for the start of actual construction in connection with the Convention Center Expansion Project, and following the denial of review of the litigation by the California Supreme Court, to initiate demolition of the former USO, which interim agreement shall be in the amount of \$5,000,000, subject to certification by the City Auditor that the appropriate funding is available;

Authorizing the expenditure of an amount up to \$5,000,000 from available funds identified by the City Auditor and Comptroller, as may be required for interim funding of the Golden Turner Phase VII Interim Agreement, with the intent that the interim funding may be reimbursed from future project funding sources, such

as bond proceeds and Port District contributions.

Subitem-D: (R-97-918 REV.1) ADOPTED AS AMENDED AS
RESOLUTION R-288454

Authorizing the City Manager to execute any agreements, and take all actions necessary and appropriate to increase the total expenditures for the project to account for costs that, as certified by the City Manager, have increased due to the delay engendered by litigation, provided, that such agreements or actions do not increase the scope of the project, or do not cause the total expenditures for the project to exceed the project budget, and provided that the City Auditor furnishes certificates demonstrating that the funds are, or will be, on deposit in the City Treasury.

Subitem-E: (R-97-919) ADOPTED AS RESOLUTION R-288448

Authorizing the City Auditor to pay Golden Turner an amount not to exceed \$9,423,803 for Reimbursable Costs, pursuant to the previously approved Design Build Contract, provided that he furnishes a certificate demonstrating that the funds necessary are, or will be, on deposit in the City Treasury.

Subitem-F: (O-97-82) HEARING HELD

First public hearing in the matter of:

An Ordinance amending Ordinance No. O-18328, titled, "An Ordinance Adopting the Annual Budget for the Fiscal Year 1996-97 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year," by increasing the Capital Improvements Program Budget for the Convention Center Expansion Project.

NOTE: See Item 333 on the docket of Tuesday, March 18, 1997 for the second public hearing and introduction and adoption of the Ordinance in Subitem F.

FILE LOCATION: Subitems A,B,C,D,E,: MEET
Subitem F: None CONFY97-4
(Convention Center #62)

COUNCIL ACTION: (Tape location: E420-G239.)

MOTION BY WARDEN TO STADOPT AS AMENDED THE MANAGER'S REVISED RECOMMENDATION TO ADOPT SUBITEMS A THROUGH E AND INCREASE THE APPROPRIATION ORDINANCE TO \$207.2 MILLION, AN INCREASE

OF \$10.9 MILLION, DUE TO THE PROJECT DELAY DURING THE LITIGATION; ACCEPT A, E, AND F UNDER NO. 2 OF THE REVISED MANAGER'S REPORT, AND RETURN B, C, AND D, WHICH INCLUDES DELETING THE KITCHEN EQUIPMENT, DELETING THE INCREASE TO THE OWNERS CONTINGENCY, DEFERRING THE ACTION ON THE LITIGATION CONTINGENCY, AND RETURNING THE WATER MAIN BACK TO THE MANAGER TO BE BROUGHT BACK AT A LATER DATE AFTER EVALUATION. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-not present, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 6:55 p.m. in honor of the memory of:

Charles Breitwieser as requested by Mayor Golding.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: G224-G240).